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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 Federal Trade Commission,
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13 Plaintiff,
14 vs.
15 Superior Servicing, LLC, et. al.,
16 Defendants.
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Case No.: 24-CV-2163

**STIPULATION AND ORDER TO STAY
DEADLINES TO FILE RESPONSIVE
PLEADINGS AS TO STIPULATING
DEFENDANTS ERIC CALDWELL
AND DAVID HERNANDEZ PENDING
FINAL ORDER**

**(THIRD REQUEST – CALDWELL)
(SECOND REQUEST – HERNANDEZ)**

20 Pursuant to Local Rules 6-1 and 6-2, Plaintiff Federal Trade Commission
21 (“Plaintiff”) and Defendants Eric Caldwell and David Hernandez (“Stipulating
22 Defendants”) stipulate and agree to stay Stipulating Defendants’ deadlines to file
23 responsive pleadings in this action until September 8, 2025, to provide the Commission
24 with sufficient time to review and vote on the Stipulated Orders.

25 **WHEREAS:**

- 26 1. On May 30, 2025, the Court extended until June 9, 2025, the time for Stipulating
27 Defendants to file a responsive pleading as to Plaintiff’s Amended Complaint
28 while the parties explored a potential settlement. (Dkt # 72)
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2. On June 11, 2025, Stipulating Defendant Caldwell signed a Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief (“Caldwell Stipulated Order”), which the undersigned counsel for Plaintiff will recommend to the Commission.
3. On June 25, 2025, the Court extended until August 25, 2025, the time for Stipulating Defendant Caldwell to file a responsive pleading. (Dkt #74)
4. Since June 11, 2025, Plaintiff has been going through the process to obtain Commission approval of the Caldwell Stipulated Order.
5. Since June 9, 2025, Plaintiff and Stipulating Defendant Hernandez have continued to engage in informal financial discovery and settlement discussions.
6. On August 15, 2025, Stipulating Defendant Hernandez signed a Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief (“Hernandez Stipulated Order”)(collectively with Caldwell Stipulated Order, “Stipulated Orders”), which the undersigned counsel for Plaintiff will recommend to the Commission.
7. Plaintiff seeks to present the Hernandez Stipulated Order at the same time it presents the Caldwell Stipulated Order to the Commission.
8. Under 15 U.S.C. § 56(a)(2)(A), exclusive authority to agree to a settlement rests with the five-member, presidentially appointed Commission. The Commission must approve or reject all settlement recommendations by a majority vote. Therefore, before the Stipulated Orders can be submitted to the Court for approval and issuance, the Commissioners must vote to accept them.
9. In order to provide time for the Commission’s approval, Plaintiff and Stipulating Defendants move to stay the deadlines to responsive pleadings to the Amended Complaint as to Stipulating Defendants until September 8, 2025.

1 10.Plaintiff and Stipulating Defendants agree that good cause exists to stay the
2 deadlines to file responsive pleadings as to Stipulating Defendants until
3 September 8, 2025.

4 11.This stipulation is made in good faith and not for the purpose of delay.

5 12.This is third stipulated request to extend Defendant Caldwell's responsive
6 pleading deadline and the second stipulated request to extend Defendant
7 Hernandez's responsive pleading deadline.

NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

All responsive pleading deadlines as to Defendants Eric Caldwell and David Hernandez are stayed until September 8, 2025.

DATED this 25th day of August 2025.

PLAINTIFF

By: /s/ Luis Gallegos
Attorney for Plaintiff

DEFENDANTS

By: /s/ Eric Caldwell
In proper person

By: /s/ David Hernandez
In proper person

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: August 26, 2025

CERTIFICATE OF SERVICE

I, Luis H. Gallegos, hereby certify that I electronically filed the foregoing with the Court using CM/ECF.

Dated: August 25, 2025

/s/ Luis H. Gallegos

LUIS H. GALLEGOS

Attorney for Plaintiff

Federal Trade Commission